

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:
OLIVERA BEVANDA,

Debtor.

Case No.: 19-25165 (VFP)

Judge: Papalia

Chapter: 13

CHAPTER 13 DEBTOR=S CERTIFICATION IN OPPOSITION

The debtor in this case opposes the following **(choose one)**:

1. ☒ Motion for Relief from the Automatic Stay filed by Specialized Loan Servicing LLC , creditor,

A hearing has been scheduled for September 17, 2020, at 10 AM.

- ☐ Motion to Dismiss filed by the Chapter 13 Trustee.

A hearing has been scheduled for _____, at _____.

- ☐ Certification of Default filed by _____,

I am requesting a hearing be scheduled on this matter.

2. I oppose the above matter for the following reasons **(choose one)**:

- ☐ Payments have been made in the amount of \$ _____, but have not been accounted for. Documentation in support is attached.

☒ Payments have not been made for the following reasons and debtor proposes repayment as follows (**explain your answer**):

On June 30, 2020, the Debtor's attorney filed a First Modified Chapter 13 Plan (Doc. No. 36). No opposition thereto was filed, including by movant, the servicer of the Debtor's mortgage that encumbers the Debtor's principal residence in Maplewood, New Jersey. The Debtor's First Modified Chapter 13 Plan was confirmed on August 10, 2020 (Doc. No. 40). Movant's motion (Doc. No. 42) was filed on August 24, 2020, *after* confirmation of the Debtor's modified plan. The eighth operative paragraph of the Order which confirmed the Debtor's First Modified Chapter 13 Plan expressly provides that all "mortgage arrearages are to be paid outside the plan through Loan Modification," which the Debtor is to obtain by October 31, 2020. This provision includes all post-petition arrearages, including the arrearages that are set forth in the movant's Certification dated August 19, 2020 (Doc. No. 42-1). As such, the Debtor proposes to provide for the cure of all mortgage loan arrearages, including post-petition arrearages, through the loan modification process, and the Debtor has submitted to movant initial documents in support thereof. In addition, the Debtor has requested forbearance from movant, and movant is one of the mortgage lenders and servicers which agreed to provide at least 90 days of forbearance to New Jersey borrowers, such as the Debtor.

☒ Other (**explain your answer**):

The Debtor and her husband, and particularly the Debtor's husband, who is self-employed, have incurred financial hardship as a result of the COVID-19 pandemic that arose beginning in March, 2020. While they are making progress toward financial recovery, the Debtor respectfully submits that the Debtor and her husband be permitted to pursue the loan modification with movant, as set forth in the Order that confirmed the Debtor's First Modified Chapter 13 plan (Doc. No. 40). Furthermore, the Debtor is current with respect to all payments required under the former and present Chapter 13 plans.

3. This certification is being made in an effort to resolve the issues raised in the certification of default or motion.
4. I certify under penalty of perjury that the above is true.

Date: September 10, 2020

/s/ Olivera Bevanda
Debtor=s Signature

Date: _____

Debtor=s Signature